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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,258	05/20/2004	Fujihito Numano	253173US-2SDIV	7418

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

PARK, ILWOO

ART UNIT PAPER NUMBER

2182

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/849,258

Applicant(s)

NUMANO ET AL.

Examiner

Ilwoo Park

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/950,076.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-3 and 5 are canceled, claim 4 is amended, and claims 6-10 are added.

The following rejections now apply. Claims 4 and 6-10 are presented for examination.

2. Klein, Jacobs et al, Du et al, and Oshima were cited in the last office action.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du et al, US patent No. 6,675,233 in view of Oshima, US patent No. 5,473,583.

As to claim 4, Du et al teach a computer comprising:

means for storing [col. 3, line 67-col. 4, line 5] audio data including at least one of a hard disk and a semiconductor memory;

means for reproducing [fig. 2] the audio data stored in the means for storing;

a switch [function keys 66] configured to instruct audio data reproduction;

means for activating [col. 6, lines 17-24; col. 3, lines 48-52] the computer by operation of said switch when the computer is powered off, is in a standby state, and in a pause state; and

control means for detecting [col. 6, lines 17-24] the activation an activation factor at a time of computer activation, and when the activation factor is due to operation of said switch, initiating said reproducing means, and wherein

said reproducing means comprises means for reproducing the audio data in accordance with a play list for specifying [col. 5, lines 9-13; col. 4, lines 48-52] a reproduction order of the audio data.

Though, Du et al teach the play list is displayed [col. 4, lines 32-36] to a user for the audio data reproduction, Du et al do not disclose means for acquiring identification information on the audio data that has been reproduced before, at the end of reproduction, and storing the acquired identification information at the start of a next reproduction, and wherein said control means comprises means for starting reproduction from audio data according to the stored identification information. Oshima teaches [col. 23, lines 2-28; figs 16 and 228] a computer having a reproducing means for reproducing audio data in accordance with a play list for specifying a reproduction order of audio data, and means for acquiring identification information on audio data that has been reproduced immediately before, at the end of reproduction operation, and storing the acquired identification information at the start of a next reproduction, and wherein said control means comprises means for starting reproduction from audio data according to the stored identification information by providing a user a selection through a display displaying a play list including the identification information of the last reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the Oshima's teaching of a reproducing means for reproducing audio data in accordance with a play list for specifying a reproduction order of audio data, and means for acquiring identification information on audio data

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that has been reproduced immediately before, at the end of reproduction operation, and storing the acquired identification information at the start of a next reproduction, and wherein said control means comprises means for starting reproduction from audio data according to the stored identification information in order to increase user friendliness for playing music of Du et al.

5. As to claim 6, Oshima teaches a means for storing audio data also stores the play list [col. 23, lines 2-28].

6. As to claim 7, Du et al teach a play table for managing plural lists [col. 5, lines 9-13]; the play table is not stored in said means for storing but stored in flash memory. However, it would have been obvious to one of ordinary in the art at the time the invention was made to alternatively store the play table in the at least one of a hard disk and a semiconductor memory instead of storing rather expensive flash memory.

7. As to claim 8, Oshima teaches the play list comprises a register for maintaining information at a final reproduction on the play list and a content of the register is updated at an end of next reproduction [col. 23, lines 2-28; figs 16 and 228].

8. As to claim 9, Du et al teach a computer comprising:

means for storing [col. 3, line 67-col. 4, line 5] audio data including at least one of a hard disk and a semiconductor memory;

first reproducing means for reproducing [fig. 2] the audio data stored in the means for storing;

second reproducing means for reproducing [fig. 2] the audio data stored in an optical disk medium [col. 4, lines 1-5];

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a selector [function keys 66: col. 4, lines 56-64] which selects one of the means for storing and the optical disk medium;

means for activating [col. 6, lines 17-24; col. 3, lines 48-52] the computer by selection operation of said selector when the computer is powered off, is in a standby state, and in a pause state; and

control means for detecting [col. 6, lines 17-24] the activation an activation factor, and when the activation factor is due to a selection operation of the selector to select the means for storing, initiating said first reproducing means, and when the activation factor is due to a selection operation of the selector to select the optical disk medium, initiating said second reproducing means, and wherein said reproducing means comprises means for reproducing the audio data in accordance with a play list for specifying [col. 5, lines 9-13; col. 4, lines 48-52] a reproduction order of the audio data.

Though, Du et al teach the play list is displayed [col. 4, lines 32-36] to a user for the audio data reproduction, Du et al do not disclose means for acquiring identification information on the audio data that has been reproduced before, at the end of reproduction, and storing the acquired identification information at the start of a next reproduction, and wherein said control means comprises means for starting reproduction from audio data according to the stored identification information. Oshima teaches [col. 23, lines 2-28; figs 16 and 228] a computer having a reproducing means for reproducing audio data in accordance with a play list for specifying a reproduction order of audio data, and means for acquiring identification information on audio data

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that has been reproduced immediately before, at the end of reproduction operation, and storing the acquired identification information at the start of a next reproduction, and wherein said control means comprises means for starting reproduction from audio data according to the stored identification information by providing a user a selection through a display displaying a play list including the identification information of the last reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the Oshima's teaching of a reproducing means for reproducing audio data in accordance with a play list for specifying a reproduction order of audio data, and means for acquiring identification information on audio data that has been reproduced immediately before, at the end of reproduction operation, and storing the acquired identification information at the start of a next reproduction, and wherein said control means comprises means for starting reproduction from audio data according to the stored identification information in order to increase user friendliness for playing music of Du et al.

#### ***Allowable Subject Matter***

9. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

10. Applicant's arguments filed 12/29/2004 have been fully considered but they are not persuasive. In the arguments, the Applicant argues in substance that Du does not

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describe a "means for activating the computer by operation of a switch configured to instruct audio data reproduction when the computer is powered off, is in a standby state, and in a pause state; and control means for detecting an activation factor at the time of computer activation, and, when the activation factor is due to operation of said switch, initiating a reproducing means," as recited in amended Claim 4. However, the examiner respectfully disagrees [*vide supra*].

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (571) 272-4155. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30




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PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**ILWOO PARK**  
**PRIMARY EXAMINER**



Ilwoo Park  
Primary Examiner  
February 15, 2005